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JUL 24 2009

In re Application of :
Barrowcliffe :
Application No. 10/829,042 :
Filed: April 21, 2004 :
Attorney Docket No. 674583-2001 :
For: COMPOSITION

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 17, 2009, to revive the above-identified application.

This application became abandoned for failure to properly respond to the final Office action, mailed April 17, 2008, which set an extendable three month period for reply. Applicant filed a request for a three month extension of time, an IDS, and an improper RCE on October 17, 2008. Accordingly, this application became abandoned on October 18, 2008, which is the day after the 6 month deadline for response. A Notice of Abandonment was mailed on March 18, 2009.

Applicant has submitted an amendment as the submission for the RCE in reply to the April 17, 2008 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the April 17, 2008 final Office action, and the petition fee.

Regarding the statement of delay: The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 1652 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

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